ROGERS et al Serial No. 10/590.454

January 13, 2009

Even assuming the Examiner's position may be accurate (an assumption that applicants do not concede at this juncture), there are other common technical features

between the claim Groups I and II which would justify examining all claims in the subject

application (i.e., since a search and examination of one set of claims would be

coextensive with a search and examination of the other set of claims). By way of

example only, applicants note that the features of claims 5 and 14 do not appear to be disclosed or reasonably suggested by Levendis et al. Thus, as noted above a search

and examination of claim 5 would be coextensive with a search and examination of

claim 14 thereby not justifying restriction therebetween.

Withdrawal of the restriction requirement and an action on the merits of all

pending claims is therefore solicited.

Fee Authorization

The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Account

No. 14-1140

Respectfully submitted.

NIXON & VANDERHYE P.C.

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